

## **REMARKS**

### ***Status of the Claims***

Claims 1, 3, 58-60, and new claims 72-74 are pending, with claims 1 and 60 being independent. Merely in order to expedite prosecution, claims 1, 3, and 60 have been amended; claims 2 and 61 have been canceled without prejudice to or disclaimer of the subject matter contained therein; and new claims 72-74 have been added. Applicants have no intention of abandoning any canceled subject matter and expressly reserve the right to file one or more continuation and/or divisional applications directed to canceled subject matter. Support for the amendments and new claims may be found throughout the specification, including in the original claims. Therefore, now new matter has been added.

Initially, Applicants would like to thank the Examiner for indicating that claims 60 and 61 contain allowable subject matter. Applicants note that claim 61 has been incorporated into claim 1 and claim 60 has been amended to independent form.

Applicants respectfully request the Examiner to reconsider and withdraw the outstanding rejections in view of the foregoing amendments and the following remarks.

### ***Claim Rejections under 35 U.S.C. § 102***

Claims 1-3, 58, and 59 stand rejected under 35 U.S.C. § 102(b) as allegedly anticipated by U.S. Patent No. 5,470,661 ("Bailey"). Applicants respectfully disagree with this rejection; therefore, this rejection is traversed.

The Office Action asserts that "Bailey et al discloses (refer to figure 2) an optical comprising a diamondoid-containing material (2) (column 7, lines 60-67, column 8, lines 1-4 column 1, lines 57-59)." (Office Action, Page 2). Applicants point out that Bailey relates to diamond-like carbon films and improved methods of depositing these diamond-like carbon films onto a substrate. (See Abstract and claims). As defined by Bailey and as well known in the art, diamond-like carbon is amorphous and diamond-like carbon films are amorphous carbon films. (Col. 1, lines 23-24). Bailey further provides that the hydrocarbon gas that may be used to make the diamond-like carbon films are hydrocarbon compounds (i.e., compounds containing only carbon and hydrogen atoms) and discloses that suitable hydrocarbons include alkanes, alkenes, and alkynes, with methane and acetylene being most particularly preferred. (Col. 4, line 62- Col. 5, line 24).

In contrast, as illustrated and defined in the present specification, “diamondoids” are crystalline substituted and unsubstituted caged compounds of the adamantane series including adamantane, diamantane, triamantane, tetramantane, pentamantane, hexamantane, heptamantane, octamantane, nonamantane, decamantane, undecamantane, and the like, including all isomers and stereoisomers thereof. (Page 7, Lines 17-20). According to the present invention, these diamondoids are utilized in optical devices and the diamondoids utilized include heterodiamondoid derivatives. (original claims).

To anticipate a claimed invention under §102, a reference must teach each and every element of the claimed invention. *See Lindeman Maschinenfabrik GmbH v. American Hoist and Derrick Company*, 221 USPQ 481, 485 (Fed. Cir. 1984). MPEP § 2131.

As noted above, Bailey relates to diamond-like carbon films or amorphous carbon films, preferably made from methane and acetylene. It is respectfully submitted that in no way does Bailey disclose or suggest a *diamondoid*-containing material or films made from diamondoids. As Bailey does not disclose each and every element of claims 1-3, 58, and 59, it cannot anticipate these claims.

However, merely in order to expedite prosecution, claim 1 has been amended to incorporate claim 61 and claim 60 has been amended to independent form. Applicants note that they have no intention of abandoning any canceled subject matter and expressly reserve the right to file one or more continuation and/or divisional applications directed to canceled subject matter. As the Examiner indicated that claims 60 and 61 contained allowable subject matter, Applicants respectfully assert that the rejection of claims 1-3, 58 and 59 in view of Bailey has been obviated.

Therefore, for at least the above-reasons, Applicants respectfully request that the rejection in view of Bailey be withdrawn.

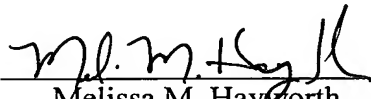
***Conclusion***

For the reasons noted above, the art of record does not disclose or suggest the inventive concept of the present invention as defined by the claims.

In view of the foregoing amendments and remarks, reconsideration of the claims and allowance of the subject application is earnestly solicited. In the event that there are any questions relating to this application, it would be appreciated if the Examiner would telephone the undersigned attorney concerning such questions so that prosecution of this application may be expedited.

Respectfully submitted,

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